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1969

## Report of the Dean of the School of Law for the Year 1968-1969

Charles O. Galvin

*Southern Methodist University, School of Law*

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REPORT OF THE DEAN  
OF  
*THE SCHOOL OF LAW*  
FOR THE YEAR 1968-1969

SOUTHERN METHODIST UNIVERSITY

DALLAS, TEXAS

**SOUTHERN METHODIST UNIVERSITY**

*Report of the Dean*

*of*

**THE SCHOOL OF LAW**

*For the Year*

**1968-1969**

**DALLAS, TEXAS**

*To the President, Members of the Board of Trustees,  
Members of the Board of Visitors, Law Alumni, and  
Friends of Southern Methodist University:*

As Dean of the School of Law, I have the honor to submit this report for the summer session, 1968, and the regular session, 1968-1969. This is my sixth report and is divided into the following parts:

- I. General Statement
- II. Faculty
- III. Degree Programs
- IV. Curriculum
- V. Recruiting and Enrollment
- VI. Law Library and Plant Improvements
- VII. Alumni Relations, Law School Fund, Student Aid
- VIII. Publications
- IX. Legal Clinic
- X. Placement
- XI. Spring Seminar on Professional Responsibility and Other Events
- XII. Negotiations with the Southwestern Legal Foundation

Appendix A—Class of 1969, honors and awards, student activities and organizations for the year 1968-1969.

Appendix B—Faculty bibliography, committee assignments and activities, 1968-1969.

Appendix C—Law School Committee of the Board of Trustees; Board of Visitors; Law Alumni Association; and Named Scholarships.

Appendix D—Statement of Professor Arthur Leon Harding delivered at the Law School Convocation on September 5, 1969.

## I. General Statement

In May, 1969, the School of Law completed its forty-fourth academic year. At that time degrees were awarded to those who completed the requirements for their degrees in August, 1968, January, 1969, and May, 1969. The following tabular analysis reflects comparative data with respect to degrees conferred or certificates granted during the period 1964-1969:

	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>
Bachelor of Laws	113	107	128	125	8	
Juris Doctor					126	145
Master of Comparative Law	15	12	19	23	24	19
Master of Laws	1	4	4	7	3	8
Doctor of the Science of Law					2	
Certificate in Comparative						
Law	<u>4</u>	<u>1</u>		<u>4</u>		
Totals	133	124	151	159	163	172

Appendix A contains detailed information regarding the 1969 degree candidates, honors and awards, and student activities and organizations for the year 1968-1969.

It is trite to state that the single most obvious phenomenon of our times is change—social, political, economic, and technological. When the class of 1959 graduated, who would have thought that in ten years men would walk on the moon with the whole world listening and looking? Who would have thought that a heart, a kidney, or a lung could be transplanted from one person to another? Who would have thought that the academic community—traditionally regarded as the place of quiet, contemplative, scholarly reflection—would become the center ring for militancy and activism?

When the class of 1979 graduates, who can imagine where change will have taken us?

All of these events impose upon the Law School the obligation of continuous reexamination of its academic program. Are we training young men and women to mold the legal institutions for the ordering of the society of the future? We are aware of the need for grounding in the traditional disciplines of study—contracts, torts, property, procedure, constitutional law, administrative law, and the like. We must be equally aware of the need

for interdisciplinary studies, for lawyers and the law must be concerned with every aspect of the human predicament. The Law School must provide an outreach not just to the legal profession but to the entire community.

We have sought to keep abreast of rapid change. The educational program and available extracurricular activities offer the committed professional student the opportunity for a variety of experiences to prepare him for the complex professional life ahead.

## II. *Faculty*

Appendix B sets out in detail faculty bibliographies and activities for the year 1968-1969.

Changes in assignments, leaves, and part-time faculty for the period under review were as follows:

Visiting Professor Paul D. Carrington was in residence during the summer session 1968 from the University of Michigan. Professor Carrington holds the Bachelor of Arts degree from the University of Texas and the Bachelor of Laws degree from Harvard University. During the summer he taught Administrative Law.

Visiting Professor Parker C. Fielder was in residence during the summer session 1968 from the University of Texas. Professor Fielder holds the Bachelor of Science degree from Northwestern University and the Bachelor of Laws degree from the University of Texas where he was Editor-in-Chief of the *Texas Law Review*. During the summer he taught Income Taxation.

At the May meeting of the Board of Trustees, Assistant Professors Bernstein, Craig, and Pelletier were each appointed to the rank of Associate Professor of Law. Professor Pelletier served during the year as Director of the Legal Clinic. Professor Bernstein was Visiting Professor of Law at American University, Washington, D.C., during the summer session, 1968.

Assistant Professor Paul B. Larsen left the School at the end of the academic year to do further graduate work at Yale University.

Associate Professor William VanDercreek was on leave during the year as Visiting Professor of Law at Florida State University, Tallahassee, Florida.

Mrs. Clarice McDonald Davis was in residence during the spring semester 1969 as Instructor of Law. Mrs. Davis holds her Bachelor of Arts and Master of Arts degrees from the University of Texas, and Juris Doctor degree from Southern Methodist University. She assisted Professor Rasor in teaching Legal Writing.

Assistant Dean and Assistant Professor Charles A. Thompson left the School on February 1, 1969, to engage in the general practice of law in Dallas, Texas.

The following part-time lecturers taught seminars or courses during this period:

Adjunct Professor Henry D. Akin, course in Workmen's Compensation; Professor B. J. Brabham, course in Law in Society I; R. W. Callaway, course in Estates II; Professor John R. Carrell, course in Law in Society II; Professor Frederick S. Carney, seminar in Ethics and Law (with Dean Galvin); Edward A. Copley, Jr., Esq., together with Herbert S. Kendrick, Esq., course in Tax Procedure and Litigation; Adjunct Professor Robert S. Glen, seminar in Law and Psychiatry; Carl D. Richards, Esq., course in Patent Law; Helmut O. Wolff, seminar in Non-Labor Arbitration; David C. Musslewhite, Esq., course in Practice Court; Stephen Swayze, Esq., course in Federal Oil and Gas Taxation; Stanley Simon, Esq., course in Taxation of Business Entities; Adjunct Professor Ozro T. Woods, seminar in Medico-Legal Problems (with Professor Ray).

Charles William Webster, a member of the Faculty of Southern Methodist University School of Law since 1954, died on March 26, 1969.

He was born in Escanaba, Michigan, in 1920. He received his Ph.B. from Marquette University in 1942. For three years, from 1943 to 1946, Professor Webster served in the United States Coast Guard, most of the time as commanding officer of a cutter, and was released to inactive duty in 1946 with the rank of Lieutenant, Senior Grade. He received his LL.B. degree with honors from the University of Wisconsin in 1948, where he was a member of the Order of the Coif and Editor-in-Chief of the *Wisconsin Law Review*. From 1948 until 1953 he was a member of the faculty of the School of Law of the Uni-

versity of Buffalo and held the rank of associate professor at the time of his leaving that institution to join the legal staff of the General Electric Company. In addition to teaching and practice, Professor Webster served as a consultant to the New York State Bar Revision Commission and worked for the American Law Institute on the Model Penal Code. He was a member of the bars of the states of Wisconsin, New York, and Texas and was admitted to practice before the United States Supreme Court.

In 1954, he became associated with the Southern Methodist University School of Law as Associate Professor, at which time he took over the Faculty Editorship of the *Southwestern Law Journal* and worked primarily in the field of Administration of Criminal Justice. In 1955, he was appointed Professor of Law, which rank he held at Southern Methodist University at the time of his death.

Chuck was always interested in those less fortunate and gave unstintingly of his time and resources toward improving their lot. His good works extended to many local and state-wide projects.

He was a member of the Texas Council on the Administration of Justice, was a consultant to Texas Children and Youth, Incorporated, and served on the Executive Committee of the Dallas Association for Mental Health. He organized and was active in the Catholic Interracial Council.

A completely unselfish person, he had a warm and engaging personality. He will be sorely missed by his friends. Chuck is survived by his wife, Pat, and six children, Maureen, Charles J., Michael Mary, Patrick, Kevin, and Terrence.

### III. Degree Programs

The School of Law operated the following major programs during the year 1968-1969:

(A) The three-year Juris Doctor program in the undergraduate Day Division.



(B) The fourth year curriculum of the four-year J.D. program in the Evening Division. The Evening Division was phased out at the end of the 1968-1969 academic year.

(C) The general graduate program for both part-time and full-time students leading to the degree of Master of Laws.

(D) The special graduate program sponsored by the Institute of Aerospace Law leading to the degree of Master of Laws.

(E) The graduate program in international and comparative law leading to the degree of Master of Comparative Law.

(F) The graduate program in research and writing leading to the degree of Doctor of the Science of Law.

#### IV. Curriculum

The curriculum in effect for the summer session 1968 consisted of 12 sections of courses and seminars; during the regular session 145 sections of courses and seminars were offered. Under the program for the Juris Doctor degree, the student had to complete 51 hours of required courses and 39 hours of electives, at least one course involving international and comparative law or jurisprudence, a planning course, and a seminar in which a substantial paper is required.

During the year new offerings included Business Taxation, Non-Labor Arbitration, Legal Problems of Outer Space Activities, and the Seminar in Civil Rights was divided into two parts: Civil Rights, Substantive and Civil Rights, Criminal Procedure.

#### V. Recruiting and Enrollment

The following comparative statistics for the School of Law show registrations in the fall semesters, 1963, 1964, 1965, 1966, 1967, and 1968:

	1963		1964		1965		1966		1967		1968	
	Day	Eve	Day	Eve	Day	Eve	Day	Eve	Day	Eve	Day	Eve
First Year	114	77	125	75	124	48	196		206		163	
Second Year	94	44	96	50	111	29	118	30	149		166	
Third Year	78	44	91	40	108	25	98	18	124	22	139	
Fourth Year		49		34		39		35		18		34
Graduates and Auditors	28	31	29	22	22	15	46	7	40	19	29	24
Totals	314	245	341	220	365	156	458	90	519	59	497	58
Totals	<u>559</u>		<u>561</u>		<u>521</u>		<u>544</u>		<u>578</u>		<u>555</u>	

The following comparative statistics for the same period reflect mean averages for the Law School Admission Test, undergraduate college scores, and other data concerning the First Year Class:

	1963		1964		1965		1966	1967	1968
	Day	Eve	Day	Eve	Day	Eve	Day	Day	Day
LSAT: Score	518	527	533	523	557	555	533	541	533
Percentile	60	62	66	62	74	73	65	66	65
represented			15			19	24	26	23
UGA (on 4.0 scale)	2.76	2.64	2.58	2.58	2.67	2.67	2.67	2.69	2.66
Entering First Year Class									
States represented				15		19	24	26	23
Colleges and universities represented	49		73		61	69	77		69

The tuition during the regular session was \$1,400 for the two semesters.

During the year we continued, as in prior years, an intensive program of recruiting in colleges and universities throughout the country. This has resulted in an increasing number of well-qualified applicants.

Nine professors visited 74 schools, interviewing 344 prospective students, and one student visited seven schools, interviewing 30 students. (A total of 81 universities and colleges were visited during the year.)

Arizona: Arizona State, Tempe; University of Arizona, Tucson.

California: Claremont-Pomona, Claremont; Loyola University of Los Angeles, Los Angeles; San Francisco State College, San Francisco; San Jose State College, San Jose; Stanford University, Stanford; University of California at Berkeley, Berkeley; University of California at Los Angeles; University of the Pacific, Stockton; University of Redlands, Redlands; University of San Francisco, San Francisco; University of Santa Clara, Santa Clara; University of Southern California, Los Angeles, Whittier College, Whittier.

Connecticut: Fairfield University, Fairfield; Wesleyan University, Middletown; Yale University, New Haven.

Indiana: Butler University, Indianapolis; De Pauw University, Greencastle; Franklin College of Indiana, Franklin; Purdue Uni-

versity, Lafayette; University of Indiana, Bloomington; Wabash College, Crawfordsville.

Kansas: Kansas State University, Manhattan; Southwestern College, Winfield; University of Kansas, Lawrence; University of Wichita, Wichita.

Massachusetts: Boston College, Chestnut Hill; Boston University, Boston; Harvard, Cambridge.

Minnesota: Augsburg College, Minneapolis; Carleton College, Northfield; Macalester College, St. Paul; St. Olaf College, Northfield; St. Thomas College, St. Paul; University of Minnesota, Minneapolis.

Nevada: University of Nevada, Reno.

New Mexico: New Mexico State University, University Park.

New York: City College of New York, New York; Columbia, New York; Cornell University, Ithaca; Fordham University, New York; Hobart & William Smith Colleges, Geneva; Long Island University, Zeckendorf Campus, Brooklyn; State University at Albany, Albany; Syracuse University, Syracuse; Union College, Schenectady; University of Rochester, Rochester; U. S. Military Academy, West Point.

Oklahoma: Oklahoma State University, Stillwater; University of Oklahoma, Norman.

Pennsylvania: Allegheny College, Meadville; Carnegie-Mellon University, Pittsburgh; Duquesne University, Pittsburgh; Geneva College, Beaver Falls; University of Pittsburgh, Pittsburgh; Washington & Jefferson College, Washington.

Rhode Island: Brown University, Providence; Providence College, Providence.

Texas: Austin College, Sherman; East Texas State University, Commerce; North Texas State University, Denton; Prairie View A&M, Prairie View; Rice University, Houston; Sam Houston State College, Huntsville; Southern Methodist University, Dallas; Southwest Texas State College, San Marcos; Southwestern University, Georgetown; Texas A&M, College Station; Texas Technological College, Lubbock; Texas Christian University, Fort

Worth; Texas Wesleyan, Fort Worth; Trinity University, San Antonio; University of Houston, Houston; University of Texas, Austin; University of Texas at Arlington, Arlington; University of Texas at El Paso, El Paso.

Utah: Brigham Young University, Provo; Utah State University, Logan; University of Utah, Salt Lake City.

If a private, graduate professional school is to be effective, it must do so by emphasis on quality—quality of students, faculty, and program. Our recruiting program, in which most of our faculty participate, has proved to be an important factor in the maintenance of a high-quality student body.

We announced last year the Hatton W. Sumners Scholarship program. Each fellowship will be worth in excess of \$3,000 per year and will be renewed each year if the holder maintains a high level of scholastic performance. The first five holders of the full scholarships were recruited to begin their work in the fall semester, 1969. As was pointed out last year, this magnificent gift voted by the trustees of the Hatton W. Sumners Foundation will enable the School to attract scholars of the highest caliber.

## *VI. Law Library and Plant Improvements*

During the year \$144,874.71 was expended on the library operation. About 8,384 volumes were added, making a total of 154,729 volumes. The report of the Section of Legal Education and Admissions to the Bar of the American Bar Association shows that of 131 schools, our library is 22nd in size; of the schools west of the Mississippi it is ranked 7th; of the private schools west of the Mississippi, it is ranked 2nd, with Stanford having the greater number of volumes, 168,274 compared to our 147,344.

The formal opening of refurbished Florence Hall was held on March 9, 1969. Representatives of the Florence and Hoblitzelle Foundations, which had made special commitments to this project, were present for this occasion at which time two portraits were unveiled, one of Fred Florence and the other of Karl Hoblitzelle.

The construction of the new Underwood Law Library, announced in last year's report, continued through the year with expected completion by September 1, 1970.

## VII. *Alumni Relations, Law School Fund, Student Aid*

Donald J. Lucas, Esq. and Eugene Jericho, Esq., President and Vice President, respectively, of the Law Alumni Association, headed the annual Law School Fund drive for the year. We continued, as in prior years, the practice of inviting to a series of breakfasts the class representatives who worked on the Fund, members of the Faculty, and students. These breakfast meetings have proved to be especially effective in providing an interchange of views among faculty, students, and alumni.

A detailed report of the Law School Fund for 1968-1969 was incorporated in a special issue of *The Brief of the School of Law* and was mailed to alumni and friends in August 1969. Total gifts and scholarships from alumni and non-alumni totaled \$112,737.36. These contributions have been used for financial assistance to students in various ways: loans, tuition grants, research assistants, expenses of moot court, law journals, Student Bar Association, and the like. Alumni gifts totaled \$51,105.03, with 37.6% of alumni participating. This compares with gifts of \$44,264.19 from alumni and a 36% participation during the year 1967-1968. The faculty of the School of Law also contributed generously to the Fund.

Other events relating to alumni relations were as follows: On September 19, 1968, those contributing named scholarships and amounts of \$100 or more for the 1967-1968 Law School Fund were honored at a Century Club dinner. The featured speaker was Dr. John Moseley, President of Austin College.

On November 23, 1968, the officers, directors, and members of the Law Alumni Association attended a breakfast at Lawyers Inn as part of Homecoming activities.

Appendix C lists the names of the officers and board of directors of the Law Alumni Association and named scholarships awarded for the year. The total amount of financial assistance granted from the Fund and from the general budget of the School was approximately \$100,791.92.

## VIII. *Publications*

The *Southwestern Law Journal* published again this past year the Annual Survey of Texas Law, which was well received. The

*Journal of Air Law and Commerce* sponsored a Symposium on Air Transport Labor Relations which was held March 26-28, 1969. This program exemplified the same high standards of the previous years' similar conferences.

Professor Craig and Professor Larsen were faculty advisers to the *Southwestern Law Journal* and *Journal of Air Law and Commerce*, respectively, during the year.

Other publications during the year included *The Brief of the School of Law* in four issues edited by Assistant Dean Purcell, the Law School Yearbook, edited by Mr. Fred Hosey, and the Law School Weekly Bulletin, called "The Green Sheet."

The Southwestern Legal Foundation continues to edit the *Oil & Gas Reporter*, which has its editorial offices in Storey Hall, and regularly uses law students on its staff.

### IX. *Legal Clinic*

The Legal Clinic was under the direction of Professor George A. Pelletier; the joint student-faculty policy committee for the Clinic was chaired by Professor Joseph W. McKnight. The Clinic continues to provide a variety of practical experiences with an emphasis on improving not only the student's lawyer-like techniques but also a greater sense of professional responsibility.

### X. *Placement*

Assistant Dean David W. Purcell, assisted by Mrs. Lillian Blair, offered students a thorough program of placement. Students desiring to take advantage of this service were counselled in the preparation of attractive individual brochures. The number of interviewing firms was larger than in any previous year. A tally of the graduating seniors shows that 45 were placed with law firms, 32 were placed with corporate legal counsel, 18 were in military service, 32 were in other activities, and 18 were still uncommitted as of October 1, 1969.

### XI. *Spring Seminar on Professional Responsibility and Other Events*

Each year the Board of Visitors, the Law School Committee of the Board of Trustees, faculty, students and others meet to-

gether for a day to have an in-depth discussion of various aspects of the School's operation, of the School's relationship to the community, and of the work of the legal profession. During the period March 20-22, 1969, Professors Eugene L. Smith and Joseph W. McKnight planned and conducted a seminar on professional responsibility. Professor Andrew W. Watson, who holds a joint appointment from the School of Law and School of Medicine of the University of Michigan, visited classes and talked with groups of students on the days of March 20 and 21, 1969. Professor Robert E. Mathews of the University of Texas School of Law, and Dr. Wagner Thielens of Columbia University's Bureau of Applied Social Research, joined Professor Watson on Saturday, March 22, at the Hilton Inn to discuss legal education as it relates to training in professional responsibility with students who had asked to participate, selected members of the Board of Visitors, the Law School Committee of the Board of Trustees, and alumni and friends.

On March 27, 1969, the Supreme Court of Texas made its visit to the School, continuing a very pleasant tradition, begun a few years ago, of spending a day in informal discussions with senior students about developments in the law. Following a coffee and reception, Mr. Associate Justice Hamilton made the principal statement about the work of the Court. The School was pleased to welcome two new members of the Court, Associate Justices Sears McGee and Tom Reavley.

On March 25, 1969, President Morris Abram of Brandeis University delivered the Robert G. Storey Lecture entitled "Liberalism: A Response to the Campus." The paper appears in 23 Sw. L. J. 662. Earlier in the day President Abram had lunch with a group of students and discussed informally some of the crises facing the American university today.

During the spring the Student Bar Association sponsored a series of discussions with members of the faculty on various aspects of the operation of the Law School. These discussions culminated in a conference in April, 1969, which was a general review of curriculum and related matters.

## *XII. Negotiations with the Southwestern Legal Foundation*

During the year a negotiating committee composed of the Honorable Alfred P. Murrah, Chief Judge, United States Court of Appeals for the Tenth Circuit and Chairman, Law School Committee of the Board of Trustees, and Mr. George M. Underwood, Jr., member of the Law School Committee of the Board of Trustees and Liaison to the Law School from the Board of Governors of the University, and Mr. Neil Mallon and Harry Jack, Esq., sought to reach a settlement of the differences existing between the School and the Southwestern Legal Foundation.

These efforts continued through the summer of 1969 and were not productive of any overall solution.

On August 13, 1969, at a meeting of the Board of Governors after a full report by Judge Murrah and Mr. Underwood, the Board unanimously adopted a resolution approving the Law School's undertaking a major program of continuing legal education. The Board further confirmed the authority of the President of the University to determine ultimately the use of physical facilities and to arbitrate any differences. These latter two actions were intended to confirm the University's position that, although the Southwestern Legal Foundation is an independent entity, its independence cannot override the University's ultimate authority over the University premises and what takes place on the premises.

As of this writing, the School of Law and the Practising Law Institute have entered into an agreement to co-sponsor a series of high-level professional institutes and conferences.

## *XIII. University Administration*

I express my sincere thanks to students, faculty, alumni, University administration, and others for all the assistance we have received during the year.

Appendix C sets out the names of the Law School Committee of the Board of Trustees, the Board of Visitors, and the officers and directors of the Law Alumni Association.

Appendix D is the Statement of Professor Arthur Leon Harding delivered at the Law School Convocation on September 5, 1969.



## Appendix A

Class of 1969, honors and awards, student activities and organizations for the year 1968-1969

### 1. Class of 1969

#### a. Degree of Juris Doctor

August 23, 1968

George Washington Hager, Jr.  
B.S.E.E., University of Texas  
Lanny Rolf Ramsay  
B.B.A., Southern Methodist University  
Joseph Alan Robinson  
B.A., Southern Methodist University  
Barry Michael Skiles  
B.A., Southern Methodist University  
Harry Averil Sweitzer, III  
B.A., St. Olaf College

Robert Michael Tolleson  
B.B.A., Southern Methodist University  
William V. Traeger  
B.S., Northwestern University  
Jerry Michael Traver  
B.B.A., University of Michigan  
Henry Jackson Zinn  
B.A., Kansas University

December 21, 1968

Robert Vernon Baylis  
B.S., Texas A&M University  
Hayden Haskell Cooper  
B.B.A., North Texas State University  
Clarice McDonald Davis  
B.A., University of Texas  
M.A., University of Texas  
James Nelson Dearien  
B.S., Georgetown University  
Leon Stewart Eubanks, Jr.  
B.A., Southern Methodist University  
Gibson Trabue Hatfield  
B.S., Centenary College of Louisiana  
Raymon H. He Lal  
B.B.A., University of Texas at Arlington  
Joe Bailey Hyden  
B.A., Baylor University  
Gary Brinkop Krueger  
B.S., Kansas University  
John Alexander Ligon  
B.E.E., Georgia Institute of Technology  
Marietta Morris Maxfield  
B.A., Rice University

Pamela Thompson Maxham  
B.A., Rice University  
Charles William McHugh  
B.S.M.E., University of Texas at Austin  
David Metzger  
B.B.A., University of Texas  
Gene Pruett Moore  
B.B.A., Texas Christian University  
Jon Rodgers Sanford  
A.B., Wheaton College  
Francis Earl Schander  
B.S., Jackson College, Honolulu, Hawaii  
B.E., Jackson College, Honolulu, Hawaii  
Gale Melanie Siegel  
B.S., University of Missouri  
Paul VanSlyke  
B.S.E.E., University of Texas at Austin  
Donald Pierce Wilcox  
B.A., University of Texas

May 25, 1969

Roy Ryden Anderson, Jr.  
B.A., Texas Christian University  
Cecil Marion Arnold, Jr.  
B.B.A., University of Texas at Austin  
Robert Maxwell Bandy  
B.A., University of Texas  
Ronald Phillip Barbatoo  
B.S.E.E., Texas Technological College

Hugh Tevis Blevins, Jr.  
B.A., Rice University  
Rhodes R. Bobbitt  
B.B.A., University of Texas  
Gerald Monroe Botts  
B.B.A., University of Texas  
Sam Bill Bournias  
B.B.A., North Texas State University

- Comer Clarence Brassell, Jr.  
B.A., University of Texas
- David Lee Briscoe  
A.B., Wabash College
- Jimmy Ray Brisendine  
B.A., North Texas State University
- Norman Simon Brown  
B.S., Worcester Polytechnic Institute
- Stephen Buchanan Brown  
B.A., University of Wisconsin
- Harry Eugene Bryan  
B.B.A., West Texas State College
- Charles Franklin Campbell, Jr.  
B.A., University of Texas at Arlington
- Charles Lee Chapman  
B.S.E.E., Southern Methodist University
- Thomas Edwards Dale  
B.A., Austin College
- John Allen Daniel  
B.A., Southern Methodist University
- J. Byron Davey  
B.A., Southern Methodist University
- Laura Dean Ford Davidson  
B.A., University of Texas
- Thomas Lee Denney  
B.A., Southern Methodist University
- William Gordon Duff  
B.A., North Texas State University
- John Donald Ellis, Jr.  
B.A., Military College of South Carolina
- Wilson David Fargo  
B.A., Oklahoma City University
- Thomas Lee Farris  
B.B.A., University of Oklahoma
- George William Fazakerly  
B.S., Centenary College
- John Mack Fincher  
B.S., University of Arkansas
- Bowen Louis Florsheim  
B.B.A., Texas Christian University
- Charles Craig Folson  
B.A., Southern Methodist University
- Gerald Joe Ford  
B.A., Southern Methodist University
- Peter Archibald Franklin, III  
B.A., Ohio Wesleyan University
- Wayne Louis Friesner  
B.S., Iowa State University
- Robert Henry Frost  
A.B., Monmouth College
- Thomas Albert Fry, III  
B.S., Trinity University
- Jeffrey Leesam Futter  
B.A., Dartmouth College
- William Lea Garrett  
B.A., Southern Methodist University
- Joseph Benevides Garza  
B.B.A., Southern Methodist University
- John Hendrik Germeraad  
B.A., Illinois Wesleyan University
- Michael Malone Gibson  
B.B.A., Texas Christian University
- David Leon Gleason  
B.S., Oklahoma City University
- Henry Walker Grenley  
B.S., Southern Methodist University
- George Vincent Griffin  
B.S., University of Arkansas
- Theodore Alfred Gross  
B.A., University of Texas at Austin
- Kenneth Paul Gudgen  
B.S., Texas A&M University
- Richard Charles Guinan, Jr.  
B.B.A., University of Texas
- Charles Pittman Haymore  
B.B.A., Southern Methodist University
- Wallace Ren Heitman  
B.A., George Washington University
- Jack Hill  
B.A., University of Texas at Austin
- Albert Dale Hoppe  
B.A., Texas A&I University
- Gregory Charles Horsley  
B.A., University of Texas at Arlington
- Richard Frederick Hosey  
B.A., Texas Christian University
- Larry Leggett Huelbig  
B.A., Austin College
- Stanley Robert Huller  
B.A., Southern Methodist University
- Wendel Thad Hulse  
B.S., Texas A&M University
- James Dudley Hyde  
B.A., University of Oklahoma
- Burton Vernon Jones  
B.A., Akron University
- Stephen Basil Jurbala  
B.A., Fairleigh Dickinson University
- Dale Howard Jurgens  
B.A., University of Texas
- Robert A. Kantor  
B.A., University of Colorado
- Nancy Ellsworth Keane  
B.A., Oklahoma University
- James Edward Keough  
B.S., Boston College
- Tedford Eiland Kimbell  
A.B., Stanford University
- Newell Daniel Krogmann  
B.A., Cornell College
- Carey Mack Lavender  
B.S., Southern Methodist University
- William Audie Long  
B.B.A., North Texas State University
- Robert Earl Luna  
B.B.A., University of Texas
- George Michael Maris  
B.A., Kansas State College of Pittsburg
- Frederick William Marsh, Jr.  
B.S., Louisiana Polytechnic Institute  
M.B.A., Louisiana Polytechnic Institute
- James Bassett Martin  
B.A., Davidson College

Ronald Edward Massingill	Thomas David Rorie
B.A., University of Dallas	B.S., Louisiana Polytechnic Institute
Albert Edward Masters	M.B.A., Louisiana Polytechnic Institute
B.A., North Texas State University	Lynn William Ross, Jr.
Charles Redman McBeth	B.B.A., Texas Christian University
B.S., Louisiana Polytechnic Institute	Noble Leon Rumbo
Donald Kent McConnell	B.A., University of Texas
B.S., Texas A&M University	M.D., University of Texas
M.S., Southern Methodist University	Rufus Stovall Scott
George Skinner McKearin, III	B.A., Southern Methodist University
B.A., Hamilton College	John Percival Searls, Jr.
James Hamilton McMenamy	B.B.A., University of Texas at El Paso
B.B.A., Texas Christian University	Joseph Wesley Sheehan
James Marshall Medlin	B.S., Kansas State University
B.A., Westminster College	Aubyn Keith Shettle, Jr.
Jerry William Melton	B.A., North Texas State University
B.A., Southern Methodist University	Billy Braswell Short, Jr.
Michael Duane Meredith	B.B.A., Southern Methodist University
B.B.A., University of Oklahoma	Lawrence Robert Silver
Timothy Ernest Millard	B.S., Colorado University
B.B.A., Southern Methodist University	David Ray Snodgrass
John Porath Millet	B.A., Southern Methodist University
B.B.A., North Texas State University	Lawrence David Stuart, Jr.
George Philip Morehead	B.A., Southern Methodist University
B.A., Southern Methodist University	Robert Stephen Swanson
Jack Chandler Myers	B.A., Carleton College
B.S., Southern Methodist University	Michael Mills Tabor
Beverly Ann Neblett	B.B.A., Southern Methodist University
B.A., Duke University	Paul Leighton Tubb
M.A., Emory University	B.B.A., University of Texas
John Wood Noble	Richard Stephen Tucker
B.S., Stephen F. Austin State College	B.B.A., University of Texas
Russell Spates Olds	Edward DiMare Vassallo, Jr.
B.B.A., North Texas State University	B.A., Southern Methodist University
Michael Leonard O'Neal	Ronald Tackett Wade
B.M., Southern Methodist University	B.A., Westminster College
M.M., Southern Methodist University	William Miles Warren
Gorden Harold Potts, Jr.	B.A., Texas Christian University
B.A., Baylor University	Thomas Winston Weeks
B.D., Southwestern Baptist Seminary	B.B.A., University of Oklahoma
Th.D., Southwestern Baptist Seminary	Linda Adeline Whitley
Loren Lee Purvines	B.A., Northwestern University
B.B.A., University of Texas	Lee Wootton Williams
Robert E. Rader, Jr.	B.B.A., Texas Technological College
B.A., Harding College	Jackie Ray Wills
Cecil Robert Rainwater	B.S., East Texas State University
B.A., University of Tulsa	Robert Earl Wilson
Charles Hollis Robertson	B.B.A., Southern Methodist University
B.A., Southern Methodist University	William Otto Wuester, III
Howard David Rogers	B.A., Upsala College
B.B.A., Southern Methodist University	

## *b. Degree of Master of Comparative Law*

December 21, 1968

Raymond Joseph Termini  
 B.A., Tulane University  
 LL.B., University of Texas at Austin

May 25, 1969

Noel Jeffrey Ackman  
LL.B., Melbourne University  
Clavel Migallos Asas  
LL.B., Southwestern University  
Charlie Bhatanachareon  
LL.B., Chulalongkorn University  
Eui-Jae Kim  
LL.B., Seoul National University  
LL.M., Seoul National University  
Dick Tieh-cheng Liu  
LL.B., National Cheng Chi University  
Clara Meouchi  
Licenciado En Derecho, Escuela Libre  
de Derecho  
Puangpaka Phakdisongkram  
LL.B., Thammasat University  
Prasit Pothasuthon  
LL.B., Thammasat University  
Andreas Richter  
LL.B., Free University, Berlin

Jorge Manuel Roimiser  
LL.B., University of Buenos Aires  
Monica Cohen de Roimiser  
LL.B., University of Buenos Aires  
Yasuyuki Shibata  
LL.B., Tokyo University  
Smairob Suthiwart-Narueput  
LL.B., Thammasat University  
Yoichiro Tagawa  
LL.B., Law School of Meiji University  
Jan Willem Maria VanGent  
Meester in de Rechten, Catholic  
University  
Duff David Gordon Waddell  
LL.B., Dalhousie University  
Preecha Wichaidisha  
LL.B., Thammasat University  
Rudolf Hans Urs Zirfass  
Lic. Jur, University of Berne

*c. Degree of Master of Laws*

August 23, 1968

George Gordon Dowd  
B.A., Western Washington State  
College  
LL.B., University of Washington  
Thesis: "Proration of Natural Gas in  
Kansas, Louisiana, Oklahoma and  
Texas"

Ritva Kaarina Hagglund  
LL.B., University of Helsinki  
Thesis: "Conditional Sales and Chattel  
Mortgages in the Conflict of Laws"

December 21, 1968

Roderick Lewis Eisele  
B.S., University of Wisconsin  
LL.B., University of Wisconsin  
Thesis: "The Habendum Clause of the  
Modern Oil and Gas Lease"

Woo Hyung Kim  
LL.B., Chonpuk National University  
College & Political Science, Korea  
LL.C.M., University of Pennsylvania  
Law School  
Thesis: "Freedom of Political Speech  
vs. National Security in the United  
States and Korea"

Frank Lemuel McClendon, Jr.  
B.S., University of Texas  
LL.B., University of Texas  
Thesis: "Restraint of New Enterprise  
Joint Ventures as a Matter of Un-  
reasonable Probability"

Robert John Wade, Jr.  
B.S. in Bus., Indiana University  
J.D., The University of Michigan  
Thesis: "Income Taxation of Fluctu-  
ating Income"

May 25, 1969

Robert O'Neill Lewers  
LL.B., Westminster School of Law  
Thesis: "Doubtful Application of the  
Primary Jurisdiction Doctrine in  
Recent Cases"

Robert Lee Ramsey  
B.A., Hofstra University  
M.P.A., Graduate School of Public  
Affairs, State University of New  
York  
LL.B., Albany Law School  
Thesis: "Legal Control of Aviation  
Noise"

## 2. Honors and awards

### a. *The Order of The Coif*

Hugh T. Blevins, Jr.	Nancy E. Keane
Clarice M. Davis	James E. Keough
George W. Fazakerly	Frederick W. Marsh, Jr.
Michael M. Gibson	Marietta M. Maxfield
Albert D. Hoppe	Rufus S. Scott
Stanley R. Huller	David R. Snodgrass
Robert A. Kantor	Lawrence D. Stuart, Jr.

### b. *Prizes and Awards*

Arthur Stedry Hansen Consulting Actuaries of Dallas Award—

Robert M. Bandy

Bowen L. Florsheim

William O. Wuester III

Barrister Award—

Steven W. Stark

Burleson Criminal Law and Procedure Award of Merit—

Lyman G. Hughes

Carrington, Johnson and Stephens Award—

Raymond L. Dahlberg

Dallas Lawyers Wives Club Award—

Gary R. Rice

Goldberg, Alexander & Baker Award—

Albert D. Hoppe

The Hornbook Awards—

Gary R. Rice

Raymond L. Dahlberg

International Academy of Trial Lawyers Award—

C. Robert Rainwater

Johnson, Bromberg, Leeds and Riggs—

Roy R. Anderson, Jr.

Bruce L. Ashton

Kilgore and Kilgore Award—

Arthur W. Zeitler

Meer, Chandler and Carlton Award—  
Woodrow T. Minick

Mercantile National Bank Award—  
George W. Fazakerly  
Stanley R. Huller

Moot Court Best Speaker Award—  
Steven W. Stark

Moot Court Best Written Brief Award—  
Martha H. Allan  
George L. Hart

Passman, Jones, Stewart and Andrews Award—  
Woodrow T. Minick

Phi Alpha Delta Scholarship Award—  
George L. Hart

Prentice-Hall, Inc., Federal Taxation Award—  
Robert M. Bandy

Prentice-Hall, Inc., Journal of Air Law and Commerce Award—  
Robert E. Wilson

Robert J. Hobby Memorial Award—  
S. David Blinn

Russell Baker Moot Court Awards—  
*1st place*  
Martin K. Donovan  
Steven W. Stark

*2nd place*  
J. Michael Alexander  
Robert E. Sylvester

SMU Law Wives Award—  
Clarice M. Davis

Southwestern Legal Foundation Award—  
Monteith Inn Chapter, Phi Delta Phi

Texas Trial Lawyers Association Award—  
Michael M. Gibson

*The Wall Street Journal* Award—  
Lawrence D. Stuart, Jr.

Thompson, Knight, Simmons & Bullion Award—  
Frederick W. Marsh, Jr.

U. S. Law Week Award—  
Michael M. Tabor

West Publishing Company and Vernon Law Book Company  
Award—  
Lawrence D. Stuart, Jr.

Wynne, Jaffe and Tinsley Moot Court Awards—  
C. Robert Rainwater  
Charles H. Robertson

### 3. Student activities and organizations

#### a. *Student Bar Association*

<i>President</i>	Edward D. Vassallo, Jr.
<i>Vice President</i>	Jack C. Myers
<i>Secretary</i>	David L. Jackson
<i>Treasurer</i>	Johnny P. Searls

#### *Representatives*

<i>First Year</i>	James A. Wood James J. Robertson Ira E. Tobolowsky
<i>Second Year</i>	Hugh E. Hackney John D. Jackson Phillip R. Jones
<i>Third Year</i>	Roy R. Anderson, Jr. Loren L. Purvines Charles H. Robertson
<i>Graduate</i>	Ronald P. Barbatoo

#### b. *Southwestern Law Journal*

<i>Editor-in-Chief</i>	Lawrence D. Stuart, Jr.
<i>Business Manager</i>	Thomas W. Weeks
<i>Casenotes Editors</i>	Stanley R. Huller Robert A. Kantor

<i>Comments Editor</i>	Frederick W. Marsh, Jr.
<i>Leading Articles Editor</i>	David R. Snodgrass
<i>Managing Editor</i>	Rufus S. Scott
<i>Recent Decisions Editor</i>	Beverly A. Neblett
<i>Research Editor</i>	Michael M. Gibson
<i>Texas Survey Editor</i>	Hugh T. Blevins
<i>Associate Editors</i>	Robert M. Bandy
	Jerry J. Ford
	Wayne L. Friesner

c. *Journal of Air Law and Commerce*

<i>Editor-in-Chief</i>	Robert E. Wilson
<i>International and Book</i>	
<i>Review Editor</i>	John H. Germeraad
<i>Leading Articles Editor</i>	James E. Keough
<i>Managing Editor</i>	Bowen L. Florsheim
<i>Notes and Comments Editors</i>	Roy R. Anderson, Jr.
	William O. Wuester, III
<i>Research and Recent</i>	
<i>Decisions Editor</i>	Newell D. Krogmann
<i>Symposium Editor</i>	Joseph W. Sheehan
<i>Associate Editors</i>	David L. Briscoe
	Nancy A. Ellsworth
	James D. Hyde
	James L. Irish, II
	Linda A. Whitley

d. *The Legal Clinic*

	<i>Fall 1968</i>	<i>Spring 1969</i>
<i>Chief Counsel</i>	Michael M. Meredith	David M. Sudbury
<i>Deputy Chief Counsel</i>	Kent Thompson	Arthur W. Zeitler
<i>(Civil)</i>		
<i>Deputy Chief Counsel</i>	David M. Sudbury	K. Bruce Stickler
<i>(Criminal)</i>		

e. *Advocates of Lawyers Inn*

	<i>Fall 1968</i>	<i>Spring 1969</i>
<i>Chief Justice</i>	John T. Campbell	Robert N. Price
<i>Associate Justice</i>	Jeffrey L. Futter	Fred J. Fowler
<i>Clerk</i>	Stanford M. Kaufman	William A. Bostdorff
<i>First Year Class</i>		
<i>Representative</i>	William V. Garrett	Timothy J. Vineyard



*Second Year Class  
Representative  
Third Year Class  
Representative  
Foreign Student  
Representative*

Michael M. Tabor

John P. Clarson

Henry J. Zinn

Jeffrey L. Futter

Jan-Willem VanGent

*f. Barristers*

*Lord Chief Baron*

Frederick W. Marsh, Jr.

*Lord Baron*

C. Robert Rainwater

*Scrivener*

Stanley R. Huller

*Sergeant-at-Arms*

Hugh T. Blevins

*g. Moot Court Team*

*State*

G. Leroy Street

Michael B. Poyner

Robert I. Knopf

*Regional*

J. Marshall Medlin

G. Leroy Street

Dolores M. Veninga

*h. Phi Alpha Delta Fraternity*

*Justice*

George S. McKearin III

*Vice Justice*

John D. Jackson

*Treasurer*

Michael M. Tabor

*Clerk*

William J. Neilon, Jr.

*Marshal*

Ronald T. Wade

*Social Chairman*

R. Frederick Hosey

*i. Phi Delta Phi Fraternity*

*Magister*

J. Dudley Hyde

*Exchequer*

Robert M. Bandy

*Clerk*

S. Price Smith

*Historian*

Woodrow T. Minick

*Program Chairman*

K. Mark Pistorius

*j. Delta Theta Phi Fraternity*

*Dean*

James M. Medlin

*Vice Dean*

Larry L. Huelbig

*Tribune*

Tedford E. Kimbell

*Exchequer*

Jimmy R. Brisendine

*Bailiff*

Lynn W. Ross

*Master of the Rolls*

Robert H. Frost

### k. Kappa Beta Pi Sorority

Dean	Linda A. Whitley
Vice Dean	Beverly A. Neblett
Registrar	Alice L. Dwyer
Chancellor	Shirley R. Levin
Marshal at Arms	Helen A. Graue

### 1. SMU LAW WIVES CLUB

President	Linda Bandy
First Vice President	Judy Cooper
Second Vice President	Judie Fincher
Membership Chairman	Vickie Whiteside
Corresponding Secretary	Lu Pistorius
Recording Secretary	Jocelyn Wuester
Treasurer	Linda Farris
Fall Project Chairman	Sue Thompson
Spring Project Chairman	Jeannie Majure
Historian	Marty Nelson

## Appendix B

### Faculty Bibliography and Activities, 1968-1969

#### 1. Bibliography

- Bernstein, Robert A. *What Transfers are Gifts for Federal Gift Tax Purposes?*, *Successful Estate Planning Ideas and Methods* (1968); *Some Observations on a Broadened Tax Base*, *Studies in Substantive Tax Reform* (American Bar Foundation, 1969).
- Bromberg, Alan R. *Insider Purchases, Sales and Tips*, PLI Program Materials for Texas Gulf Sulphur: Disclosures and Insiders 30-40 (1968); reprinted Texas Gulf Sulphur: Disclosure & Insiders 75-85 (PLI Corporate Law and Practice, Course Handbook Series, vol. 7 1968); enlarged and reprinted Texas Gulf Sulphur—Insider Disclosure Problems 198-239 (PLI Corporate Law and Practice, Transcript Series, vol. 1, 1968);
- Report of Committee on Securities and Investment Banking*, 7 BULL. SECTION ON CORPORATION, BANKING AND BUSINESS LAW (State Bar of Texas) 5-7 (No. 1, Sept. 1968); reprinted with modifications, 31 TEXAS B. J. 1030-1032 (1968);
- Disclosure*, 1 Review of Securities Regulation 993-996, 985-989 (1968);
- The Texas Small offering Exemptions: Purchasers Must Have Investment Intent and be Sophisticated, Informed or Close Associates of the Issuer*, 7 BULL. SECTION ON CORPORATION, BANK-

ING AND BUSINESS LAW (State Bar of Texas) 6-8 (No. 2, 1968);

*The Law of Corporate Information—An Interim Report on a Growth Situation*, Financial Analysts Record 15-17 (Dec. 1968); reprinted with modifications, 25 Financial Analysts Journal 26-31 (No. 2, March-April 1969);

*Corporate Information: Texas Gulf Sulphur and Its Implications*, 22 Sw. L. J. 731 (1968);

*The Proposed Texas Uniform Securities Act—Analysis and Comparison with Existing Texas Securities Act* (38 pp & Appendix), (State Bar of Texas), COMMITTEE ON SECURITIES AND INVESTMENT BANKING (March 1969);

*Report on Texas Uniform Securities Act*, 7 BULL. SECTION ON CORPORATION, BANKING & BUSINESS LAW (State Bar of Texas) 1-8 (No. 4, Apr. 1969);

Crane & Bromberg, PARTNERSHIP (viii, 695 pp.) (1968);

SECURITIES LAW: FRAUD-SEC. RULE 10b-5 SUPPLEMENT 2 (128 pp.) and 69-1 (118 pp.) (1968-1969);

Review, C. ISRAELS AND E. GUTTMAN, MODERN SECURITIES TRANSFERS, 22 Sw. L. J. 902 (1968);

Film Review, ABA SECTION ON CORPORATION, BANKING AND BUSINESS LAW, "WHETHER TO INCORPORATE" and "HOW TO INCORPORATE", 24 Business Lawyer 330-333 (1968); reprinted 21 J. LEGAL ED. 237-239 (1968).

Charmatz, Jan. P. *Conflict of Laws, Annual Survey of Texas Law*, 21 Sw. L. J. 183 (1968);

JUR GESCHICHTE UND KONSTRUKTION DER VERTRAGSTYPEN IM SCHULDRECHT, Verlag Sauer & Auvermann, Frankfurt/Main (1968).

Davis, Harvey L. *Insurance Law, Annual Survey of Texas Law*, 23 Sw. L. J. 122 (1969).

Fitzgerald, John L. REPORT, COMMITTEE ON ORDINANCES AND ADMINISTRATIVE REGULATIONS, LOCAL GOVERNMENT LAW SECTION, AMERICAN BAR ASSOCIATION, LOCAL GOVERNMENT LAW SERVICE LETTER 80-87 (Comm. Reports Supp. Sept-Oct 1968);

REPORT, COMMITTEE ON HOUSING AND URBAN DEVELOPMENT, 5 ANNUAL REPORTS OF COMMITTEES, ABA SECTION OF ADMINISTRATIVE LAW 111-20 (1968);

*Administrative Law, Annual Survey of Texas Law*, 23 Sw. L. J. 212 (1969).

Flittie, William J. SUMMERS, OIL & GAS (Pocket Parts, 1969).

Galvin, Charles O. *Are Professional Corporations Still Alive?* 12th ANNUAL TULANE TAX INSTITUTE 649 (1969);

STUDIES IN SUBSTANTIVE TAX REFORM (with Arthur B. Willis, Attiat Ott, Gary Robbins, Scott Turner and Robert Tinney), American Bar Foundation 1968;

THE INCOME TAX: HOW PROGRESSIVE SHOULD IT BE (with Boris I. Bittker) American Enterprise Institute, 1969;

- Report on Substantive Tax Reform Project* (with Arthur B. Willis and Gary Robbins) TAX LAWYER 27 (1968).
- Where to From Here in the Tax Law*, 1968 PROC. OF TAX INST., TEXAS TECH 200 (1969);
- The Substantive Tax Reform Project: Preliminary Findings on the Corporate Tax*, 22 Sw. L. J. 717 (1968);
- Introduction, Annual Survey of Texas Law*, 23 Sw. L. J. 2 (1968);
- Wills and Trusts, Annual Survey of Texas Law*, 23 Sw. L. J. 18 (1969).
- Harding, Arthur L. *Contracts, Annual Survey of Texas Law*, 23 Sw. L. J. 113 (1969).
- McKnight, Joseph W. *Marital Policy Changes*, 31 TEXAS B. J. 627 (1968);
- Personal Injury as Separate Property—A Legislative History and Analysis of New Article 4615*, 3 Trial Lawyers Forum 7 (1968);
- English Law and Legislation in the Eleventh and Twelfth Centuries*, 22 Sw. L. J. 704 (1968);
- Santa Anna's Texas Campaign*, 54 Sw. REV. 98 (1969);
- A Guide to Current Literature on Texas Matrimonial Property Law*, MARITAL PROPERTY—THE NEW LOOK (State Bar of Texas) 9.1 (2 ed. 1969);
- Matrimonial Property, Annual Survey of Texas Law*, 23 Sw. L. J. 44 (1969);
- Objections to Legislation Authorizing a Power of Attorney Not Terminable by Disability*, 7 NEWSLETTER OF THE REAL ESTATE, PROBATE AND TRUST LAW SECTION OF THE STATE BAR OF TEXAS 20 (1969);
- Texas Family Code* (with others) (Title I) (1969).
- Morris, Charles J. *Public Policy and the Law Relating to Collective Bargaining in the Public Service*, 22 Sw. L. J. 585 (1968), digested in Monthly Digest of Legal Articles 23 (April 1969), and in 11 Industrial Relations Law Digest 32 (April 1969).
- Pelletier, George A. *An Introduction to the Estate Tax Marital Deduction*, Successful Estate Planning Ideas and Methods (1969);
- Drafting the Articles of Incorporation—Some Comments and Suggestions*, 7 BULL. SECTION ON CORPORATION, BANKING & BUSINESS LAW (State Bar of Texas) 1 (January 1969).
- Rasor, Reba G. *Family Law, Annual Survey of Texas Law*, 23 Sw. L. J. 60 (1969).
- Ray, Roy R. *Evidence, Annual Survey of Texas Law*, 23 Sw. L. J. 151 (1969).
- Riegert, Robert A. *The Max Planck Institute for Foreign and International Criminal Law* (with foreword by Gerhard O. W. Mueller), 16 AM. J. COMP. L. 247 (1968);
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*Copyright and Unfair Competition Law*, 3 INT'L LAWYER 797 (1969);

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Thomas, A. J. *Conflict of Laws, Annual Survey of Texas Law*, 23 Sw. L. J. 159 (1969);

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Wingo, Harvey *Local Government, Annual Survey of Texas Law*, 23 Sw. L. J. 194 (1969).

## 2. Activities

Bernstein, Robert A. Member: Curriculum Committee; Faculty Senate Public Relations Committee; Faculty Senate Committee on Faculty Evaluation;

Counsel, SMU Retirement Plan;

Faculty Advisor, Faculty-Student Discussion Forum;

Witness, Senate Interim Committee to Study Governmental Immunity (Testimony published in Report to the 61st Legislature, January 14, 1969).

Bromberg, Alan R. Chairman: Committee on Securities and Investment Banking, State Bar of Texas; Curriculum Committee; Committee (A) (Complaints), American Association of University Professors, SMU Chapter;

Member: American Law Institute, Committee on Corporate Law Revision, State Bar of Texas; Council of Section on Corporation, Banking and Business Law, State Bar of Texas; Executive Committee, Faculty Senate, SMU; Steering Committee, Institutional Self-Study Program, SMU; Executive Committee, University Planning Council, SMU; Program Committee, Graduate Council of the Humanities, SMU; Executive Committee, Dallas Theater Center; Institute Planning Committee (Securities Regulation, Corporate and Tax Aspects of Securities Transactions), Southwestern Legal Foundation; Executive Council, Dean of Law School;

Reporter, Revision of Penal Code, State Bar of Texas;

Coordinator, Medical Jurisprudence Series, University of Texas Southwestern Medical School at Dallas;

Trustee, SMU Retirement Plan

Lecturer: Practising Law Institute (New York, Las Vegas, Miami); Investment Analysts Society of Chicago; Program of Securities Law (Arkansas Bar Association, University of Arkansas, and

Arkansas State Banking Department, Securities Division); State-Federal-NASD Securities Law Cooperative Enforcement Conference (Ft. Worth); Dallas Bar Association; American Association of Law Schools, Business Associations Round Table (New Orleans); Southwestern Legal Foundation; Trust Section, Texas Bankers Association.

Craig, James R. Vice President, SMU Chapter AAUP;

Member: Advisory Committee, Orientation Program in American Law, Association of American Law Schools; Faculty Senate; Faculty Senate Committee on Athletics; Admissions Committee;

Faculty Advisor: *Southwestern Law Journal*.

Charmatz, Jan P. Member: Library Committee; Committee on Graduate Legal Studies; University Graduate and Professional Council; Editorial Board, *American Journal of Comparative Law*;

Lecturer: University of Rome, Italy, School of Law; University of Padua, Italy, School of Law; Academy of American and International Law, Southwestern Legal Foundation.

Davis, Harvey L. Chairman, Legislative Committee, Texas Consumers Association;

Director, Moot Court Activities;

Member: University Senate; Committee on Academic Freedom and Tenure; Executive Committee, SMU Chapter, American Association of University Professors; Texas Professors Advisory Committee on Uniform Commercial Code; Board of Directors, Texas Consumers Association.

FitzGerald, John L. Area Chairman (Southwest), American Bar Association Panelists, U. S. Civil Service Commission Hearing Examiner Public Interview Panels;

Chairman, Annual Meeting Committee (ABA 1969 Meeting), Administrative Law Section;

Member: Committee on Admissions; SMU Committee on Buildings and Grounds; Advisory Committee, SMU Institute on Urban Studies; Board of Editors, *Administrative Law Review*; Committee on ABA Administrative Law Institute, 1969.

Flittie, William J. Member: Special Faculty Committee on Student Disciplinary Procedures; Committee on Curriculum; Board of Editors, *Oil and Gas Reporter*;

Lecturer, Southwestern Legal Foundation.

Galvin, Charles O. Chairman, Special Committee on Substantive Tax Reform, Section of Taxation, American Bar Association; Committee on Substantive Tax Reform, American Bar Association;

Vice Chairman, Committee on Arrangements for Annual Meeting, American Bar Association;

President, Dallas County Community Action Committee, Inc.;

Member: Council of Deans; Board of Editors, *Oil and Gas Reporter*; Advisory Group, American Law Institute, Estate and Gift Tax Project; Southern Regional Advisory Council, Institute of International Education; Committee on Faculty Appointments, Association of American Law Schools; Executive Committee, University Press;

American Bar Association Foundation Fellows; Law Enforcement Study Commission, North Central Texas Council of Governments; American Judicature Society; Advisory Council of Citizens of Human Relations Committee; Advisory Committee, Miami Institute of Estate Planning; Advisory Board of Catholic Interracial Council; Board of Directors, National Council of Christians and Jews; Texas Bar Foundation Fellows; Southwestern Legal Foundation Fellows; State and Local Bar Associations, Section of Taxation, American Bar Association; Section of Individual Rights and Responsibilities, American Bar Association; Section of Legal Education, American Bar Association; Dallas Bar Association; Texas Bar Association; Dallas United Nations Association; American Bar Association;

Trustee: Dallas Historical Society; Dallas Chapter, National Hemophilia Foundation; Catholic Foundation;

Lecturer: Southwestern Legal Foundation; Dallas College Lecture Series.

Harding, Arthur L. Director, American Society for the Comparative Study of Law;

Member: Committee on Legal Education, Dallas Bar Association; American Foreign Law Association; American Section of the International Association for Philosophy of Law; Committee on Graduate Legal Studies.

Larson, Lennart V. Chairman, Committee on Admissions; Secretary-Treasurer, Section on Labor Law, State Bar of Texas;

Member: Curriculum Committee; University College Council; University Senate; Committee on Tenure and Ethics.

McKnight, Joseph W. Chairman: Law School Committee on Legal Clinic; University Committee on Convocations; University Committee on Rhodes Scholarships; Committee on Bankruptcy and Reorganization Law, Corporation, Business and Banking Section, State Bar of Texas; Committee on Real Property Law, Real Estate Probate and Trust Section, State Bar of Texas; Committee on New Members, American Society for Legal History;

Director, Family Code Project, Family Law Section, State Bar of Texas;

Member: Law School Library Committee; Committee on New Laws and Constitutional Amendments, Dallas Bar Association; Committee on Ethics, Dallas Bar Association; Committee on History and Biography, Dallas Bar Association; Ad Hoc Committee on Exhibits for ABA Convention, Dallas Bar Association; Council of the Real Estate, Probate and Trust Law Section, State Bar of Texas; Board of Directors, Texas Old Forts and Missions Restoration Association; Editorial Board, *American Journal of Legal History*; Board of Directors, American Society for Legal History; Round Table Council on Legal History, Association of American Law Schools; Committee on Community Services, Association of American Law Schools; Committee on Succession, Real Property, Probate and Trust Section, American Bar Association; Committee on Arrangements for ABA Meeting, Real Property, Probate and Trust Section, American Bar Association;

Lecturer: Mortgage Lending Institute, The University of Texas at Austin; Family Law Section, Dallas Bar Association; Legal History Round Table, Association of American Law Schools, New Orleans, Louisiana; Laredo Bar Association; El Paso Estate Planning Council; Abilene Bar Association; Mothers of Twins Club, Dallas; Sons of the Republic of Texas, Dallas; Pan-American Round Table, Dallas; The National Secretaries Association, Irving; Family Law Section, State Bar of Texas, Ft. Worth; Testimony Before Judiciary Committee and Constitution Amendments Committee of the Texas House of Representatives and Jurisprudence Committee of Texas Senate.

Morris, Charles J. Chairman: 15th Annual Institute on Labor Law, Southwestern Legal Foundation; Public Law Board No. 297, Seaboard Coast Line Railroad and United Transportation Union;

Co-Chairman: Symposium on Air Transport Labor Relations, *Journal of Air Law and Commerce*;

Vice Chairman: SMU Dallas Symposium on the Administration of Criminal Justice.

Editor-in-Chief, *The Developing Labor Law—The Board, the Courts and the National Labor Relations Act*, Section of Labor Relations Law, American Bar Association;

Member: University Faculty Senate; Convocations Committee; Law School Committees on Admissions, Legal Aid, and Disciplinary Procedures (ad hoc); The Labor Law Group Trust; Committee on State Legislation Affecting Academic Freedom, American Association of University Professors;

Lecturer: Short Course on Labor Law, Southwestern Legal Foundation; Symposium on Air Transport Labor Relations; Industrial Relations Research Association, North Texas Chapter.

Participant: Conference on "Labor Courts or Arbitration," Institute of Industrial Relations, University of California at Los Angeles; Conference on the Teaching of Labor Law, Labor Law Group Trust, at Boulder, Colorado.

Pelletier, George A. Chairman: Committee on Information, Section on Corporation, Banking & Business Law of the State Bar of Texas;

Editor, Bulletin, Section on Corporation, Banking & Business Law of the State Bar of Texas;

Director, Legal Clinic;

Member: Advisor to Legal Clinic (ex officio); Committee on Comparative Criminal Law, American Bar Association;

Participant in panel discussion on Legal Services for the Poor at the 1969 annual meeting of the Rocky Mountain Political Science Association.

Rasor, Reba G. Chairman, Faculty Senate Committee on Public Relations; Member, Faculty Senate Committee on Rules and Regulations.

Ray, Roy R. Chairman, Committee on Student Financial Assistance;

Member, Executive Council, Dean of Law School;

Lecturer: Corpus Christi Bar Association; Dallas Personnel Association.

Riegert, Robert A. Member: ABA Section of International and Comparative Law; ABA Section of Administrative Law; Dallas Bar Association.



tion; Special Discipline Committee of Law School; University Faculty Committee on Student Organizations; Chapel Board of Directors of University Chapel.

Smith, Eugene L. Chairman, Faculty Senate Committee on Discipline; Co-Chairman, Committee on Standards of Admission to the Bar, State Bar of Texas;

Associate Director, Family Code Project, Family Law Section of the State Bar of Texas;

Member: Legal Clinic Committee; Discipline Committee; Legislative Internship Advisory Committee, State of Texas; Round Table Council on Professional Responsibility, Association of American Law Schools; Committee on Education for Professional Responsibility, Association of American Law Schools; Professional Efficiency and Economic Responsibility Committee, State Bar of Texas.

Taubenfeld, Howard J. Chairman, Math-Science Review Committee, University College;

Vice Chairman: Weather Modification Advisory Committee, Texas Water Development Board; Committee on International Law in the Courts of the United States, Section of International and Comparative Law, American Bar Association;

Director: Institute of Aerospace Law;

Member: Faculty Senate; Executive Council, American Society of International Law; Civil War Panel, American Society of International Law; Commission to Study the Organization of Peace; Advisory Committee, Standing Committee on Aeronautical Law, American Bar Association;

Lecturer: Dallas U. N. Association; North Texas Conference of the Methodist Church;

Consultant, National Center for Atmospheric Research, Stanford Research Institute, U. S. Department of State;

Principal Investigator: National Science Foundation Task Group on the Legal Aspects of Weather Modification Activities;

Professor at the AALS Orientation Program in American Law (Princeton), Summer 1968.

Thomas, A. J. Chairman, Committee on Graduate Legal Studies;

Member: University Graduate and Professional Council; Committee on Constitutional Law, Texas Bar Association; Committee on International Law, Texas Bar Association; Executive Council, Dean of Law School;

Appointed by President of University to work with Liaison Committee for Private Colleges and Universities for the State Coordinating Board.

Wingo, Harvey Chairman, Committee to Compare Texas Pretrial Release Practice with American Bar Association Minimum Standards;

Member: American Bar Association; Tennessee Bar Association; Assistant Reporter, Revision of Penal Code, State Bar of Texas;

Lecturer, Dallas Symposium on The Administration of Criminal Justice, SMU Law School, April 1969.

## *Appendix C*

### Law School Committee of the Board of Trustees; Board of Visitors; Law Alumni Association

#### *1. Law School Committee*

Alfred P. Murrah, Oklahoma City, Oklahoma, Chairman  
Richmond C. Coburn, St. Louis, Missouri  
Wilton H. Fair, Tyler, Texas  
Ross L. Malone, New York, New York  
Gerald C. Mann, Dallas, Texas  
Harry A. Shuford, Dallas, Texas  
George M. Underwood, Jr., Richardson, Texas

#### *2. Board of Visitors*

##### *Term Expiring November, 1969*

Jack W. Crosland, Jr.  
Marshall J. Doke, Jr.  
Joseph T. Nance  
James L. Noel, Jr.  
Percy D. Williams

##### *Term Expiring November, 1970*

J. Waddy Bullion  
Clovis G. Chappell, Jr.  
William R. Harris, Jr.  
Vester T. Hughes, Jr.  
Eugene Jericho

##### *Term Expiring November, 1971*

Henri L. Bromberg, Jr.  
Joe Greenhill  
Charles W. Hall  
John S. Nolan  
Edward R. Smith

#### *3. Law Alumni Association*

<i>President</i>	Donald J. Lucas, '64, Dallas, Texas
<i>Vice President</i>	Eugene Jericho, '49, Dallas, Texas
<i>Secretary-Treasurer</i>	James R. Craig, '63, Dallas, Texas

*Directors:*

(to serve until 1971)

Charles E. Long, Jr., '35, Dallas, Texas  
W. Autry Norton, '28, Dallas, Texas  
O. Jan Tyler, '63, Dallas, Texas  
Jerry N. Jordan, '52, Dallas, Texas  
Banker Phares, '64, Port Arthur, Texas  
James H. Wallenstein, '67, Hopewell, Virginia

(to serve until 1970)

John E. Banks, '52, San Antonio, Texas  
Charles R. Dickenson, '57, Abilene, Texas  
Donald C. Fitch, Jr., '55, Dallas, Texas  
Elton Ray Hutchison, '59, Dallas, Texas  
Kenneth B. Kramer, '59, Wichita Falls, Texas  
Walter P. Zivley, '55, Houston, Texas

(to serve until 1969)

Clovis G. Chappell, Jr., '36, Midland, Texas  
Jess T. Hay, '55, Dallas, Texas  
Radford H. Byerly, '32, Houston, Texas  
Robert A. Fanning, '60, Dallas, Texas  
James S. Dycus, '65, Houston, Texas  
Joseph T. Nance, '53, Dallas, Texas

*4. Named Scholarships*

*Third-Year Students*

*Scholarships*

Roy R. Anderson, Jr.	Dallas Judiciary
Clarice M. Davis	Harvey L. Davis
Thomas L. Farris	C. S. Potts Memorial
John M. Fincher	Kalman Wolens Memorial
Peter A. Franklin, III	Atwell, Grayson & Atwell
Wayne L. Friesner	Elton R. Hutchison
John H. Germeraad	Fulbright, Crooker, Freeman, Bates & Jaworski
Henry W. Grenley	W. Autry Norton
Albert D. Hoppe	Harry S. Moss Foundation
J. Dudley Hyde	James L. Noel
Nancy E. Keane	Erin Bain Jones Endowed

James E. Keough

Newell D. Krogmann

James W. Linzy

George M. Maris

Frederick W. Marsh, Jr.

Ronald E. Massingill

Pamela T. Maxham

Jack C. Myers

Beverly A. Neblett

James J. Nelson

C. Robert Rainwater

H. David Rogers

Jon R. Sanford

Joseph W. Sheehan

Lawrence D. Stuart

Paul L. Tubb

Edward D. Vassallo, Jr.

Thomas W. Weeks

Linda A. Whitley

Jack R. Wills

Robert E. Wilson

*Second-Year Students*

Peter M. Allison

Bruce L. Ashton

Alvin H. Badger, III

J. Christopher Bird

James P. Bradley

Robert R. Bridwell

Walter B. Chandler, III

Robert B. Cousins, IV

James C. Floyd, Jr.

Joe K. Gordon

Hugh E. Hackney

Lyman G. Hughes

Strasburger, Price, Kelton, Martin &  
Unis

Carrington, Johnson & Stephens

Duman, Huguenin & Boothman

Larry and Jane Harlan

John Leddy Jones Memorial

Geary, Brice & Lewis

Roy R. Ray

J. Cleo Thompson

Lennart V. Larson

Dallas Title & Guaranty—Dallas-

Texas-National Title Company

Akin, Vial, Hamilton, Koch & Tubb

Robert G. Storey, Jr., Memorial

Gulf Coast Charity Foundation

Frank A. Liddell Memorial

Ritchie, Ritchie & Crosland

Ralph D. Baker

Bernstein, Pelletier & Thompson

Dallas Lawyers Wives Club

M. D. Anderson Foundation

Butler, Binion, Rice, Cook & Knapp

Johnson, Bromberg, Leeds & Riggs

Lomas & Nettleton Financial  
Corporation

Roy R. Ray

M. D. Anderson Foundation

M. D. Anderson Foundation

J. C. Judge

Wynne, Jaffe & Tinsley

John H. McElhaney

McCall, Parkhurst & Horton

Thompson, Knight, Simmons &  
Bullion

Dallas Lawyers Wives Club

Jackson, Walker, Winstead, Cantwell  
& Miller

Clyde Emery

William B. Hunt, Jr.	Dallas Lawyers Wives Club
John D. Jackson	Jenkins, Anson, Spradley & Gilchrist
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Joseph H. Lazara	Charles O. Galvin
Glen A. Majure	Locke, Purnell, Laney, Boren & Neely
Harriet E. Miers	Larry and Jane Harlan
Patrick N. Moore	W. R. Harris, Sr., Memorial
David J. Nowell	Eldon R. Vaughan
Richard M. Parker	J. C. Judge
Douglas H. Parks	Allen Hunter Strasburger Memorial
Ava D. Poe	Hazel Porter Storey Memorial
Perry M. Raymond	J. C. Judge
Gary R. Rice	Clovis Chappell, Jr.
Terry E. Sheldon	John E. Hickman Memorial
William A. Stewart	M. D. Anderson Foundation
Ronald Taylor	Nancy and Jack Titus
William B. Twombly	Wilton H. Fair
Arthur W. Zeitler	Jess Hay
Lynda K. Zimmerman	Arthur and Jeanette Ginsburg

### *Appendix D*

## LAW AND ORDER, —AND JUSTICE

By ARTHUR L. HARDING

It is paradoxical that lawyers, who pride themselves on precise use of language, have perhaps their greatest difficulty in defining their subject matter: Law. Hundreds of definitions have been written, reflecting not infrequently the dilemma of the three blind men describing the elephant.

Upon examination we seem to discern four disparate but nevertheless closely interacting aspects of this Law. First, there is the regime or institution devoted to adjusting relations between men or ordering their conduct in society. Here "law" means an integral but subordinate part of the machinery of government. Then there is law in the books: the authoritative patterns of decision, the formulated standards of conduct, various specific commands and rules, all of which are employed by the regime in the discharge of its function. Third, there is "law" as a method, a technique, both conscious and subconscious, by which the needs,

the hopes, and the beliefs of a people are translated into the law in the books. Finally, "law" also means remedies, the administrative processes by which the adjudications of the regime are made as nearly effective as the conditions of life will permit.

It is a serious shortcoming of most law schools and of most law students that they devote an inordinate amount of their time and attention to but a single aspect, that of law in the books, with some attention given to another aspect, that of law as remedies. That the regime of law has attained or is approaching perfection seems to be an article of faith, notwithstanding a paucity of objective demonstration. Law as a method appears to have been shunned as perhaps defying understanding. Let us attempt a little understanding.

### *Law Is a Human Construct*

Let us begin by noting that law, in any of the aspects suggested, is a human device. It was devised by men and is maintained by men for the purpose of achieving practical solutions to human problems. We would hope that it reflects the best of contemporary human reason; we know that it reflects too much of human passion and unreason. We would hope that that law which has come to us from the experience of our predecessors represents wisdom; we know that it may represent mere habit.

Note that I carefully skirt around ideas of "higher" law. There are those who note that all things in the cosmos, except man, are subject to a verifiable natural order and conclude that man, too, must be so subject. Then there are many who seek to know God's plan or command for man's existence on earth. These beliefs and aspirations should not be deprecated; they represent a faith that well may be vindicated. The problem is that, despite literally centuries of inquiry we still do not know that natural order of man or God's plan for him. At best we must, as we do, rely on our grossly imperfect understanding of these things and must seek to apply them by human means to the solution of human problems.

Law, using the term to mean a composite of the aspects mentioned, is certainly not to be made an object of veneration. Law is not, and should not be, an end in itself. It is a means, and only a means, by which certain social ends are sought to be attained. In final analysis law must be evaluated pragmatically, in light

of the validity of the ends sought to be attained, and the extent to which they are in fact attained.

### *Law and Order*

All about us, the word "law" is coupled with the word "order." Let us look at this word. Its meaning is not crystal clear.

To some, order means simply the absence of violence, with each person conducting his affairs in a pattern sufficiently rigid to avoid potential conflicts. This is the order of a prison. It does contain a part-truth: if a society is to achieve a destiny approaching its potential, it must have conditions of peace. There is no society at all if its members make war each on the others. There is scarcely a society if a man must remain in his home armed to protect his family and his possessions. A society is doomed if the individual fears to go about his ordinary affairs, lest he suffer grievous harm.

But peace and order do not mean elimination of conflict. Given the human condition, conflict between individuals is inevitable. If a society is to progress, to advance, a great liberty must be given to each individual to seek his own improvement and advancement. The felt needs of the individual will conflict with the felt needs of others. The aspirations of one will interfere with the attainment of the aspirations of another. Order means simply that we do not permit these conflicts to disrupt the functioning and advancement of the society. Order means that we seek to prevent conflicts from erupting into violence.

But order is not an ultimate value in society. A society that has achieved only order has achieved precious little. However, order is the almost indispensable condition to the achievement of ultimate values.

Here we have a principal but not the sole role of law. Law as a regime provides the institution to resolve conflicts peacefully, thereby obviating any need for self-help. Law in the books provides guidance for those who would order their own lives peacefully. Law as remedies provides deterrents to those who will not live in an orderly manner with their fellows.

Let it be said plainly that law is only one of the so-called agencies of social control, probably not even the most important. We of the law deal mainly with the failures of other agencies, and

try to cope with those few people who are immune to almost any sanction other than force.

—*and Justice*

But, the critic says, granted that order is essential to social living and that law is essential to order, still the whole thing is meaningless without justice. True enough, at least in great measure, but here we encounter the most difficult part of the problem.

There are pragmatists who deny the reality of justice. To them, the problem relates only to expedience and compromise. Such realists, self-labeled, advocate a simple "squeaky-wheel" jurisprudence, with all necessary concessions to those claimants who make the most noise and are most likely to create disturbance. At the other extreme are those innocents who think that there is an easily identifiable just solution to all problems. This is simple ignorance; these people merely equate justice with their own intuitions or perhaps with their preconceptions.

What is the relationship between law and justice?

In the first place, a substantial part of the stuff of law has nothing to do with the problem of justice; there is no conceivable basis on which to make an ethical choice between two positions. Efficiency and peace require merely that there be an established norm of conduct and that all comply with it. The precept, drive to the right, in a traffic code is the simplest illustration of what I am talking about; but many more complex precepts of law are equally devoid of ethical content. From time to time a novice will discover that a norm of conduct established as a legal standard is no more just than is its opposite, or in other ways is no better in result. And he will be greatly distressed. Let us admit readily enough that this is true. The point is that we need a rule, and cannot by any means use two.

Then there are cases where justice is involved, but where the rational discovery of the just solution baffles us. This occurs frequently where we are called upon to adjudicate between individuals equally blameless or equally blameworthy. Sometimes we can achieve a rough justice by dividing the loss, as we do in contribution between joint tort-feasors, or in the collision of ships at sea, or as in the case of the injured plaintiff and the tort-feasor under the comparative negligence statutes. But this is not always



possible. What about the suit of the owner of stolen property against one who purchased the property in good faith from a merchant to whom the thief had sold it? What is the just solution? No one yet has demonstrated one; but the case must be solved. And solve it we do, but on a basis other than justice, a basis principally of an economic nature.

However, despite the instances just mentioned, let it be said that the great bulk of legal issues do involve justice, or matters of right and wrong, and that the regime consciously seeks to attain the just solution. But the difficulties here are many.

In the first place, our standard of justice is relative and not absolute. I believe that there are absolutes, that there is such a thing as immutable truth; but I am certain that I do not know what it is. I am also convinced that no other mortal does either. If a man could fathom the end or purpose of the universe, or, to put it another way, could understand the will and reason of God, that man would be God. The best that we can do is to hope, with great minds from Aristotle and Cicero to Thomas Aquinas and Richard Hooker, that the rational soul that distinguishes man from other living things will enable us to comprehend a part, and to approximate an increasing portion of the remainder.

That the justice embraced in the legal order reflects a measure of eternal truth, we hope. All we can be sure of is that it reflects common morality. By this I mean those ideas of right and wrong that are generally accepted within the social organism. The interrelationship between the legal order and this morality is easily demonstrated; in fact the history of law can be written in terms of the history of morality. It could be no other way. The legal order is maintained and operated by human beings for human purposes. These same human beings obviously believe that right and wrong are highly relevant to the legal order, so they put into it the only ideas of right and wrong that they have. Rarely are these based on philosophic inquiry. Usually they are simply absorbed from the encompassing community.

These ideas change in time. We do have minds capable of attacking right and wrong as a philosophical problem. Empiric observation and inductive reasoning are available and helpful. Dialectical method, unpopular at the moment, is useful for our pur-

poses. Rational improvement is possible so long as we are careful to avoid him who would hand us a pat verbalization from which to deduce our answer, or who would bid us simply to rely on what he calls his conscience. (The ambiguities and pitfalls lurking in the word "conscience" could be the subject of another paper.)

Recognizing that we can make rational improvement in our standard of legal justice, and by all means should do so, we note also that common morality will change. This change will usually be evolutionary, rarely revolutionary; but change is inescapable. With increasing human knowledge and, we hope, increasing human rationality, we hope the change is for the better, but we know that not all change is. The legal order will follow and adjust to this change. There will be a time-lag; there should be a time-lag if the important values of stability and predictability in the legal order are to be made effective, but the lag should not be great.

To summarize for the moment: When ideas of justice are relevant the legal order generally seeks to vindicate them. But this is not a perfect or absolute justice because we simply do not know what that justice is; if we attain it, it is by chance. The legal order agrees pretty well with justice as it is understood in the society. If we did not, we would not be long in business.

It follows from what I have said that we will always have complaints of the claimed injustice of the legal order. Some will be valid; others of little or no validity. At one time we are hearing from those who are incapable of comprehending the social and individual values that enter into a notion of right; from critics who understand those values well and who challenge the conclusions that we have drawn from them; from those with claims of divine revelation; from those egomaniacs who cannot conceive of the morality of anything that would hamper them in realizing their own wills and desires; and from many, many others.

But let us not be too complacent. For about a century the great sin of the American legal order was its almost complete abandonment of any quest for a conscious legal philosophy, the foregoing of rational examination of the values sought to be perfected in the legal order. For the past forty or fifty years we have been working on this, but we still are far behind.

If the picture is not already too confused, let me suggest that there are other problems.

First, justice according to law is justice according to rules of general application. If we could assemble a large body of almost infinitely wise men we could achieve justice in individual situations on the basis of ad hoc principles formulated after the fact, but this would not be justice according to law. Inherent in any concept of law are values of equality between individuals, of stability and predictability. The use of rules of general application, previously promulgated to the extent practicable, serves these values. But there will be particular cases falling within these rules but in which the application of the generally just rule will give a possibly unjust result. We meet this in part by breaking possibly overly-generalized rules into two or more more-limited rules, and by investing a controlled discretion in law administrators, but the solution is partial and hard cases remain. This is one of the great dilemmas of the law; no one has found a way to solve the problem without destroying law itself.

Second, important as it is, justice is not the only value sought to be achieved by society through law. If man is to live he must be increasingly successful in converting the physical world to the means of existence. This is the business of economics, and the establishment and improvement of economic institutions is a legitimate interest of the society. The difficulty is that the moment we introduce any value in addition to that of justice, we sow the seeds of possible conflict. Compromises will result and sometimes it will be felt wise to prefer the competing value. Instances with which you are familiar would include the parol evidence rule, and the objective standard of mutual assent applied in contract, or the rule of *Adams v. Lindsell*. Other social interests likewise to be placed on the balance include those in the preservation and improvement of family, religious, educational and cultural institutions.

In the third place, the most troublesome areas of conflict of competing interests which involve the social interest in the life of the individual human being. It is a social good that individual man be left free to, and even aided to, develop himself, his capabilities and his perceptions, to a maximum. In good measure a society grows and improves because its individual components

grow and improve, although it is not to be overlooked that a society can improve its members. After all, does society have any component other than individual humans? To attain this social value the open society recognizes very broad liberties in its members to live their own lives and to pursue their own ends. But this liberty is not absolute.

In the present context we must answer two particular questions. First, may the society acting through its legal order punish one for doing what he believes to be right and proper? The answer is yes. Valid social interests may so require. The effect of what this man has done, upon another person or upon the social structure generally, will be the same regardless of his belief as to its rightness or propriety. And the final decision on rightness or propriety is going to be a collective one.

The second question is, may we punish an individual for refusing to do what he considers to be wrong? Again the answer is yes. Social living imposes not only a duty to refrain from doing harm to others, but also affirmative duties to act for the society. We properly may require a good deal of affirmative conduct, whether it be paying taxes, serving on a jury, appearing as a witness, fighting a war, submitting to arrest or to search and seizure on probable cause, or any of many other social obligations. These things involve inconvenience and the coercion of human wills. They may encroach into what the individual regards as sin. In this latter case we instinctively hesitate to apply coercion, but reason may tell us that on balance of all the interests involved, coercion may be right and good.

What I am saying is that in a social context, and the context of law is social, our valued ideals of right and good or justice will have a social and not an individual content. It is difficult to see how it could be otherwise.

There is understandable reluctance to accept what I have just said. In the century past, John Stuart Mill's premise has been accepted as a part of our thinking. Mill, you will recall, asserted that individual man had a liberty to do as he willed so long as he harmed no one else. What I am doing is questioning Mill on two points. First, is it actually true that a man can do anything, literally anything, that will not have an affect on someone else? Mill assumed this; but is it true? If it be not true, Mill's proposi-

tion means little. Second, can we base an acceptable ethic on an assumption that man's duty to his fellows in society is solely negative, to refrain from harm; that he is under no obligation so to order his conduct as to benefit his fellows? The Jewish ethic and the Christian ethic reject this negativist approach. Can the legal ethic do otherwise?

In seeking an answer we must accept the fact that social living is obligatory. We cannot resign from society; we cannot escape it. The most that the dedicated anti-social can hope for is to be tolerated to exist as a parasite upon it.

I would close with a bit of wisdom older than that of Mill, an ethic that speaks directly and meaningfully to the law. John Donne wrote:

"No man is an Iland, intire of it selfe;  
every man is a peece of the Continent,  
a part of the maine;  
if a Clod bee washed away by the Sea, Europe is the lesse,  
as well as if a Promontorie were,  
as well as if a Mannor of thy friends or of thine owne were;  
any mans death diminishes me,  
because I am involved in Mankinde;  
And therefore never send to know for whom the bell tolls;  
it tolls for thee."

